

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

**DECLARATION OF STEPHANIE ACKERMAN IN SUPPORT  
OF TRUSTEE'S MOTION AND MEMORANDUM OF LAW TO  
AFFIRM HIS DETERMINATIONS DENYING CLAIMS OF CLAIMANTS  
HOLDING INTERESTS IN PEERSTATE EQUITY FUND LP, GETTINGER  
MANAGEMENT LLC PROFIT SHARING PLAN, AND SMT INVESTORS LLC**

I, Stephanie Ackerman, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am counsel with Baker & Hostetler LLP, counsel to Irving H. Picard, trustee ("Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"), and for Bernard L. Madoff ("Madoff").

2. I am fully familiar with this case and the facts set forth herein.

3. For purposes of the Trustee's Motion and Memorandum to Affirm His Determinations Denying Claims of Claimants Holding Interests in Peerstate, Gettinger Profit Sharing Plan, and SMT, the Trustee selected three BLMIS accounts (collectively, the

“Accounts”): 1ZB295 held by Peerstate; 1G0386 held by Gettinger Profit Sharing Plan, and 1CM827 held by SMT (collectively the “Accountholders”).

4. A list of Objecting Claimants associated with one or more of the Accountholders whose claims are dealt with by the Motion is annexed as Exhibit 2 to the Declaration of Vineet Sehgal filed in support of the Motion (the “Sehgal Declaration”). The Motion addresses all outstanding docketed objections that have been filed to date by Objecting Claimants associated with one or more of the Accountholders, details of which objections are contained in Sehgal Declaration Exhibits 2 and 3.

5. I supervised service of discovery, including Requests for Admission, by the Trustee on the Objecting Claimants listed in Exhibit 2 to the Sehgal Declaration. I also personally reviewed and caused to be entered into our system each response to Requests for Admission or to Interrogatories that were received by our office. Only the Objecting Claimants related to Peerstate—James & Barbara Prochilo—responded.

6. During the course of my work on this matter, and to properly prepare and serve discovery, I personally reviewed the claims filed by the Objecting Claimants, the respective notices of determination of claims issued by the Trustee, and the respective objections to the Trustee’s notices of determination of claims filed by the Objecting Claimants, in addition to reviewing the Peerstate, Gettinger Profit Sharing Plan, and SMT account files as contained in the books and records of BLMIS.

#### **Service of Requests for Admission and Other Discovery**

7. I caused discovery to be served on Objecting Claimants claiming interest in the Peerstate, Gettinger Profit Sharing Plan, and SMT Accounts through counsel or in a *pro se* capacity, using contact details from the claims, objections to the Trustee’s notices of

determination of claims, or the debtor's books and records, all as provided by the Trustee's claims agent, AlixPartners. Each of the Trustee's discovery requests contained a certificate of service setting out how and when service was made.

**Represented Objecting Claimants Who Failed to Respond to Requests for Admission**

8. Attached hereto as Exhibit 1 are true and correct copies of the Requests for Admission (including certificates of service and cover letters) that were served on Objecting Claimants through counsel, for which the Trustee received no responses. These requests for admission relate to the Gettinger Profit Sharing Plan Objecting Claimant (Sehgal Decl. Ex. 1, claim number 009483).

9. Attached hereto as Exhibit 2 are true and correct copies of the Requests for Admission (including certificates of service and cover letters) that were served on Objecting Claimants through counsel, for which the Trustee received no responses. These requests for admission relate to the SMT Objecting Claimant (Sehgal Decl. Ex. 2, claim number 003139).

10. Exhibits 1 and 2 each contain the cover letter, Interrogatories, Requests for Production, and Certificate of Service as mailed to the Gettinger Profit Sharing Plan and SMT Objecting Claimants.

**Pro Se Objecting Claimants Who Did Respond to Requests for Admission**

11. The remaining Objecting Claimants were each served discovery in a *pro se* capacity.

12. James & Barbara Prochilo, Peerstate Objecting Claimants received packages with fourteen numbered Requests for Admission.

13. A true and accurate copy of the complete packages served on James & Barbara Prochilo, Peerstate Objecting Claims, are attached hereto as Exhibits 3, 4, and 5 (claim number 004559).

14. Exhibits 3, 4, and 5 each contain the cover letter, Interrogatories, Requests for Production, and Certificate of Service as mailed to the Peerstate Objecting Claimants.

15. Attached hereto as Exhibits 6 and 7 are true and correct copies of James & Barbara Prochilo's responses to the Requests for Admission and Interrogatories.

**Miscellaneous Exhibits**

16. Attached hereto as Exhibit 8 is a true and correct copy of the Amended and Restated Limited Partnership Agreement of Peerstate Equity Fund LP executed May 20, 2004.

17. Attached hereto as Exhibit 9 is a true and correct copy of the Limited Liability Company Agreement of SMT.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 10, 2023  
New York, New York

/s/ Stephanie A. Ackerman  
Stephanie A. Ackerman  
Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111